

### DRAWING AMENDMENTS

Pursuant to 37 CFR 1.84, please amend the drawings by entering the attached papers, each paper being identified "Replacement Sheet" or "New Sheet".

### REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by applicant(s) and undersigned attorney. Reconsideration is respectfully requested.

#### **1. Summary of the Office Action.**

The drawings were objected to.

The disclosure was objected to.

Claims 1, 5-10 and 13 were pending.

Claims 1, 5-8 and 13 stand rejected under 35 U.S.C §102(b) over Ehrenberger et al (US Patent No. 6,715,525).

Claims 9 and 10 stand rejected under 35 U.S.C §103(a) over Ehrenberger et al in view of Yoshino et al (US Patent No. 7,108,241 B2).

#### **2. Discussion.**

#### **Telephone Interview**

A brief telephone conversation was held between the undersigned attorney and the examiner on July 2, 2008. During the conversation, it was discussed that the reference to "claim 4" on page 2, under the heading "Drawings" in the Office Action should be to --claim 1-- (claim 4 was previously canceled).

Also, the reference to "Price et al." on page 7, about 1/3 the way down the page, should be to -- Ehrenberger et al. -- (Price was not applied in the Office Action). Finally, applicant's attorney wishes to thank the examiner for clarifying that a one-piece structure should be recited as being homogeneous as well as integrally formed.

### **Drawing Objections**

Responsive to the drawing objection, enclosed are amended drawings identified by "Replacement Sheet" or "New Sheet".

### **Disclosure Objections**

The Abstract has been amended in view of the objection. Withdrawal of the objection is requested.

### **Claim Objections**

**Claim 1.** This claim was objected to as being informal. The claim is amended to correct the informality. The examiner is thanked for pointing this informality out. Withdrawal of the objection is believed to be in order.

### **Claim Rejections - 35 USC §102-103**

**Claim 1.** This claim was rejected under 35 USC §102(b) as being anticipated by Ehrenberger et al. The claim is amended to patentably distinguish and limit over the applied art by clarifying that the skirt and spool are one piece. This is accomplished, as discussed in the Telephone Interview, by

reciting that the skirt and spool are integral and **homogeneous**. This structure and function is not shown, suggested or made obvious by the applied art. In Ehrenberger et al., the winding shaft 3 and housing 2 are clearly structurally separate components. Further evidence of their separateness is found in that the shaft is rotatable relative to the housing. They must therefore be separate integers to so rotate. These differences are patentably significant because the subject elements directly relate to advantages the invention has in terms of use of the barrier in outdoor or other wet environments. Withdrawal of the rejection is respectfully requested.

**Claim 14.** This new independent claim has all of the elements of currently amended claim 1 and further requires that:

1. the barrier further include a housing with a slot,
2. the support member be disposed in the housing, and
3. the spool further be adapted for holding webbing for ingress/egress through the housing slot, and
4. the one piece skirt and spool deflect drain water radially outwardly, around and past the spring.

The applied references very clearly do not show, suggest or render obvious this detailed combination and arrangement elements. Applicant submits that this new independent claim indicates a narrower interpretation than that of independent claim 1, which interpretation clearly patentably avoids the cited art.

**Remaining Claims.** The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

**3. Conclusion.**

The pending claims are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, she is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

ANY FEES DUE ARE CALCULATED AS FOLLOWS:		<u>NUMBER</u>	<u>FEE</u>
TOTAL Claims Remaining over that Previously Paid:	None		\$0
INDEPENDENT Claims Remaining over that Previously Paid:	None		\$0
	SUM Claim Fees:		\$0
EXTENSION Fees:			\$60.00
OTHER Fees:			\$0
	<u>TOTAL AMOUNT (if any)</u>		\$60.00
<input type="checkbox"/> Paid by enclosed check.			
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Respectfully submitted,



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